

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

INTRODUCTION

I conducted a hearing on alleged violations of supervised release in this case on January 31, 2011. The defendant appeared pursuant to a warrant issued in this case. The United States was represented by Kate Vaughen, and defendant was represented by Jay Stansell. Also present was U.S. Probation Officer Thomas J. Fitzgerald. The proceedings were digitally recorded.

SENTENCE AND PRIOR ACTION

19 Defendant was originally sentenced on October 11, 2006 by the Honorable Robert S. Lasnik
20 for Fraudulent Use of Another Person's Identification, Access Device Fraud, and Bank Fraud.
21 He received 32 months and 7 days of detention and 5 years of supervised release.

22 On May 10, 2004, prior to his release from the Bureau of Prisons, Mr. Clancy's conditions
23 of supervised release were modified with his consent. He was ordered to reside in a Residential

1 Reentry Center (“RRC”) for up to 120 days, abstain from the use of alcohol, and participate in
2 drug testing and treatment as ordered by the probation officer. He was released on supervision
3 on February 14, 2005.

4 On May 27, 2005, a violation report and warrant request was submitted alleging Mr. Clancy
5 violated his supervised release by failing to follow the instructions of his probation officer and
6 failing to report a change in residence. Mr. Clancy later admitted the violations, was continued
7 on supervised release, and his conditions of supervision were modified to include up to 180 days
8 at RRC.

9 On August 10, 2006, a violation report and request for summons was sent to the Court
10 alleging that Mr. Clancy violated the conditions of his supervised release by committing the
11 crime of forgery. On September 18, 2006, an evidentiary hearing was held and Mr. Clancy was
12 found in violation as alleged. At sentencing, on October 11, 2006, Mr. Clancy’s supervised
13 release was revoked and he was ordered to 30 days of detention followed by a 59 month term of
14 supervised release. Mr. Clancy commenced his second term of supervised release on January 19,
15 2007.

16 PRESENTLY ALLEGED VIOLATIONS

17 In a petition dated January 13, 2011, U.S. Probation Officer Thomas Fitzgerald alleged that
18 defendant violated the following conditions of supervised release:

19 1. Committing the crime of forgery (check fraud) on or about November 5, 2010, in
20 violation of the general condition of supervised release that he not commit another federal, state
21 and/or local crime.

22 2. Committing the crime of unlawful issuance of a bank check on or about November
23 5, 2010, in violation of the general condition of supervised release that he not commit another

1 || federal state, an/or local crime.

4 4. Changing employment without approval of the probation officer on or before
5 January 3, 2011, in violation of standard condition number 6 of supervised release.

6 5. Committing the crime of theft on or before January 3, 2011, in violation of the
7 general condition of supervised release that he not commit another federal, state and/or local
8 crime.

FINDINGS FOLLOWING EVIDENTIARY HEARING

10 The Court found defendant in violation of violations 1 and 2 based on a certification for
11 probable cause that the parties stipulated to. Defendant admitted to violations 3 and 4, waived
12 any hearing as to whether they occurred, and was informed the matter would be set for a
13 disposition hearing February 8, 2011 at 8:30 a.m. before District Judge Robert S. Lasnik. The
14 government withdrew violation 5.

RECOMMENDED FINDINGS AND CONCLUSIONS

16 Based upon the foregoing, I recommend the court find that defendant has violated the
17 conditions of his supervised release as alleged above, and conduct a disposition hearing.

18 || DATED this 31st day of January, 2011.


BRIAN A. TSUCHIDA
United States Magistrate Judge